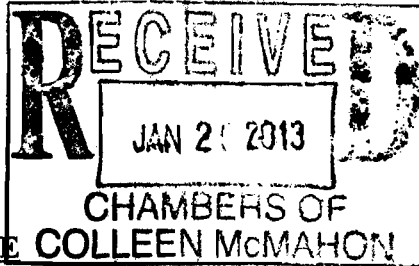


## U.S. Department of Justice



United States Attorney  
Southern District of New York

DOC #  
DATE FILED: 1/30/13



BY FACSIMILE

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

January 29, 2013

**MEMO ENDORSED**

The Honorable Colleen McMahon  
United States District Judge  
Daniel Patrick Moynihan Federal Courthouse  
500 Pearl Street  
New York, NY 10007-1312

Re: United States v. Charles Giustra et al.  
13 Cr. 14 (CM)

Dear Judge McMahon:

OK  
June 4, 2013 at noon.  
The 4th Circuit  
in comment

Colleen McMahon  
1/30/13

The defendants in the above-captioned matter were arrested on January 16, 2013 and presented before the duty Magistrate Judge that same day. Each of the defendants was also arraigned at that time and each entered pleas of not guilty to all counts pending against him. All of the defendants were released on bail terms set by the Magistrate Judge and all defendants have satisfied each of the terms of their pretrial release.


A pretrial conference was scheduled in this matter for January 31, 2013. At least one of the defense counsel will be unavailable on that day due to a personal matter, and the parties would respectfully request that Your Honor adjourn the pretrial conference scheduled for January 31 and endorse the schedule set forth below. The Government has agreed to produce discovery, which consists in large part of consensual recordings made by a cooperating witness, by February 28, 2013. Defense counsel has proposed reviewing all discovery and filing any pretrial motions in this matter on or before May 31, 2013. The parties would request that Your Honor schedule a pretrial conference either immediately before or immediately after the filing deadline for defense motions so that the Court and the parties might be updated as to the status of the case at that time.

At the time of the presentment and arraignment, the Magistrate Judge excluded time pursuant to the Speedy Trial Act through January 31, 2013. The Government would request that the Court exclude time from January 31, 2013 through the date set for the filing of pretrial motions, pursuant to Title 18, United States Code, Section 3161(h)(7)(A) by finding that the interests of justice outweigh the interests of the defendant and the public in a speedy trial. This exclusion would allow the defendants to review discovery, draft and file any pretrial motions and engage in discussions with the Government about potential pretrial dispositions of the pending

charges. I have spoken to counsel for the defendants who consent to the requested exclusion of time on behalf of their clients.

Very truly yours,

PREET BHARARA  
United States Attorney

By:   
Brian R. Blais  
Assistant United States Attorney  
(212) 637-2521

cc: AUSA Arianna Berg (by electronic mail)  
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Frank Handelman (counsel for defendant Antico--by electronic mail)